

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2150

Introduced by Assembly Member Rendon

February 20, 2014

An act to amend Section 541.5 of, to add Section 535.4 to, ~~to add and repeal Section 5010.3 of,~~ and to add Chapter 14 (commencing with Section 5880) to Division 5 of, the Public Resources Code, relating to the Department of Parks and Recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2150, as amended, Rendon. Department of Parks and Recreation.

(1) Existing law places responsibility of the state park system, which includes all parks, public campgrounds, monument sites, landmark sites, and sites of historical interest established or acquired by the state, with the Department of Parks and Recreation. Existing law requires the department to administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public. Existing law authorizes the department to expend all moneys of the department for the care, protection, supervision, extension, and improvement or development of the property under its jurisdiction. Existing law requires the State Park and Recreation Commission to evaluate and assess the department's deferred obligations, as specified.

This bill would state the intent of the Legislature that the department, as a means of increasing convenience to the public and overall park visitation, expedite the use of certain technologies, where feasible, for the purchase of park passes and the payment of day use fees or other park fees. The bill would require the department to identify and develop a priority list of deferred state park maintenance projects, as specified. The bill would require the department to apply specified factors when prioritizing and identifying projects for the deferred maintenance list including, among others, projects that are necessary to prevent a state park from closing and, to the extent feasible and practicable, projects that will increase park access to underserved communities.

This bill would rename the department's Division of External Affairs as the Division of Community Initiatives and Park Access, and would specify that the purposes and objectives of the division include convening and developing strategic partnerships and coalitions to facilitate, promote, and enhance access to, and relevancy of, state parks for underserved communities. The bill would require, on or before ~~December 31, 2015~~, *June 30, 2017*, the division, in consultation with certain agencies and organizations, to develop a strategic action plan, as specified, for improving park access and relevancy for urban and traditionally underserved populations.

~~(2) Existing law authorizes the department to collect fees, rents, and other returns for the use of any state park system area in amounts determined by the department. Existing law authorizes the department to accept a credit card as a method of payment for fees collected through the department's reservation system.~~

~~This bill would require the department to establish a 3-year pilot program that expedites the use of certain technologies, especially at more remote parks, parks without staffed entrance locations, or park units where there are many points of entry. The bill would require the department, on or before December 31, 2016, to make available, as appropriate, one or more technologies that enable visitors to purchase and print park passes. The bill would require the department to maintain data on visitorship, park revenue, and the use of passes purchased through the use of those technologies. The bill would authorize the department to pay for the cost of the pilot program with available funds in a specified subaccount and fund.~~

~~(3)~~

~~(2) Existing law prohibits the department from closing or proposing to close a state park in the 2012–13 or 2013–14 fiscal year. Existing~~

law provides that this prohibition does not limit or affect the department's authority to enter into an operating agreement during those fiscal years, as specified.

This bill would extend this prohibition against closing or proposing to close a state park to the 2014–15 fiscal year and would similarly not limit or affect the department's authority to enter into an operating agreement during that fiscal year, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares that*
2 *various agencies charged with public lands recreation and*
3 *management have developed systems that enable visitors to*
4 *purchase and print appropriate passes either in advance through*
5 *the use of Internet-based secured transactions or onsite through*
6 *the use of smartphones or other mobile telephone technologies or*
7 *credit card transactions.*

8 *(b) It is the intent of the Legislature that the Department of*
9 *Parks and Recreation, as a means of increasing convenience to*
10 *the public and overall park visitation, expedite the use of such*
11 *technologies, where feasible, for the purchase of park passes and*
12 *the payment of day use fees or other park fees.*

13 ~~SECTION 1.~~

14 *SEC. 2.* Section 535.4 is added to the Public Resources Code,
15 to read:

16 535.4. (a) The department shall identify and develop a priority
17 list of deferred state park maintenance projects. The list shall only
18 include projects for which the initial design, scoping, and planning
19 necessary to develop verifiable project cost estimates have been
20 completed.

21 (b) In addition to the requirements described in subdivision (a),
22 the department shall apply the following factors when prioritizing
23 and identifying projects for inclusion on the deferred maintenance
24 priority list:

25 (1) Projects that are necessary to prevent a state park from
26 closing.

27 (2) Projects that are necessary to avoid violations of state law
28 and potential assessment of regulatory fines against the department,

1 including, but not limited to, projects to address water quality and
2 waste discharge requirements.

3 (3) Projects that are necessary to address imminent public safety
4 hazards.

5 (4) Projects that are necessary to maintain revenue or have the
6 potential to increase revenue generation in state parks.

7 (5) To the extent feasible and practicable, projects that will
8 increase park access to underserved communities.

9 (6) Projects that are necessary to protect significant natural or
10 cultural resources.

11 ~~SEC. 2.~~

12 *SEC. 3.* Section 541.5 of the Public Resources Code is amended
13 to read:

14 541.5. (a) The department shall not close, or propose to close,
15 a state park in the 2012–13, 2013–14, or 2014–15 fiscal year. The
16 commission and the department shall recommend all necessary
17 steps to establish a sustainable funding strategy for the department
18 to the Legislature on or before January 1, 2015.

19 (b) There is hereby appropriated twenty million five hundred
20 thousand dollars (\$20,500,000) to the department from the State
21 Parks and Recreation Fund, which shall be available for
22 encumbrance until June 30, 2016, and for liquidation until June
23 30, 2018, to be expended as follows:

24 (1) Ten million dollars (\$10,000,000) shall be available to
25 provide for matching funds pursuant to subdivision (c).

26 (2) Ten million dollars (\$10,000,000) shall be available for the
27 department to direct funds to parks that remain at risk of closure
28 or that will keep parks open during the 2012–13 to 2015–16 fiscal
29 years, inclusive. Priority may be given to parks subject to a donor
30 or operating agreement or other contractual arrangement with the
31 department.

32 (3) Up to five hundred thousand dollars (\$500,000) shall be
33 available for the department to pay for ongoing audits and
34 investigations as directed by the Joint Legislative Audit Committee,
35 the office of the Attorney General, the Department of Finance, or
36 other state agency.

37 (c) The department shall match on a dollar-for-dollar basis all
38 financial contributions contributed by a donor pursuant to an
39 agreement for the 2012–13 fiscal year for which the department
40 received funds as of July 31, 2013, and for agreements entered

1 into in the 2013–14 fiscal year. These matching funds shall be
2 used exclusively in the park unit subject to those agreements.

3 (d) The department shall notify the Joint Legislative Budget
4 Committee in writing not less than 30 days before the expenditure
5 of funds under this section of the funding that shall be expended,
6 the manner of the expenditure, and the recipient of the expenditure.

7 (e) The prohibition on the closure or proposed closure of a state
8 park in the 2012–13, 2013–14, or 2014–15 fiscal year, pursuant
9 to subdivision (a), does not limit or affect the department’s
10 authority to enter into an operating agreement, pursuant to Section
11 5080.42, during any of those fiscal years, for purposes of the
12 operation of the entirety of a state park during ~~the those~~ fiscal
13 year. years.

14 ~~SEC. 3. Section 5010.3 is added to the Public Resources Code,~~
15 ~~to read:~~

16 ~~5010.3. (a) (1) The Legislature finds and declares that various~~
17 ~~agencies charged with public lands recreation and management~~
18 ~~have developed systems that enable visitors to purchase and print~~
19 ~~appropriate passes, either in advance through the use of~~
20 ~~Internet-based secured transactions or onsite through the use of~~
21 ~~smartphones or other mobile telephone technologies.~~

22 ~~(2) It is the intent of the Legislature that the department, as a~~
23 ~~means of increasing convenience to the public and overall park~~
24 ~~visitation, expedite the use of the technologies described in~~
25 ~~paragraph (1), especially at more remote parks, parks without~~
26 ~~staffed entrance locations, or park units where there are many~~
27 ~~points of entry.~~

28 ~~(b) (1) The department shall establish a three-year pilot program~~
29 ~~that expedites the use of the technologies described in paragraph~~
30 ~~(1) of subdivision (a), especially at more remote parks, parks~~
31 ~~without staffed entrance locations, or park units where there are~~
32 ~~many points of entry.~~

33 ~~(2) Notwithstanding Section 5091.20, on or before December~~
34 ~~31, 2016, the department shall make available, as appropriate, one~~
35 ~~or more technologies that enable visitors to purchase and print~~
36 ~~park passes, including single day use passes and annual passes that~~
37 ~~enable visits to one or more state parks.~~

38 ~~(3) The department shall maintain data that includes, but is not~~
39 ~~limited to, data on visitorship, park revenue, and the use of passes~~
40 ~~purchased pursuant to this subdivision.~~

1 ~~(e) Notwithstanding any other law, the department may pay for~~
2 ~~the cost of the pilot program with available funds in the State Parks~~
3 ~~Revenue Incentive Subaccount established by Section 5010.6, or~~
4 ~~the California State Park Enterprise Fund, established by Section~~
5 ~~5010.7.~~

6 ~~(d) This section shall remain in effect only until January 1, 2020,~~
7 ~~and as of that date is repealed, unless a later enacted statute, that~~
8 ~~is enacted before January 1, 2020, deletes or extends that date.~~

9 SEC. 4. Chapter 14 (commencing with Section 5880) is added
10 to Division 5 of the Public Resources Code, to read:

11
12 CHAPTER 14. DIVISION OF COMMUNITY INITIATIVES AND PARK
13 ACCESS
14

15 5880. (a) It is the intent of the Legislature that the department
16 prioritize efforts to expand access to parks in underserved areas
17 by, among other things, convening and developing strategic
18 partnerships and coalitions to facilitate, promote, and enhance
19 access to, and relevancy of, state parks for underserved
20 communities.

21 (b) The department's Division of External Affairs is hereby
22 renamed the Division of Community Initiatives and Park Access.
23 The purposes and objectives of the division shall include, but are
24 not limited to, convening and developing strategic partnerships
25 and coalitions to facilitate, promote, and enhance access to, and
26 relevancy of, state parks for underserved communities.

27 5881. On or before ~~December 31, 2015~~, *June 30, 2017*, the
28 Division of Community Initiatives and Park Access, in consultation
29 with other relevant state and local agencies, nonprofit
30 organizations, schools, public health entities, and community-based
31 organizations, shall develop a strategic action plan for improving
32 park access and relevancy for urban and traditionally underserved
33 populations. The strategic action plan shall include, but need not
34 be limited to, all of the following:

35 ~~(a) Development of up to three~~ *Identification of one or more*
36 *pilot projects in underserved regions to test and evaluate best*
37 *management practices and strategies to enhance park access and*
38 *new models of park planning, design, development, outreach, and*
39 *operation to ensure state, regional, and local parks are designed*
40 *and managed to meet the park needs of underserved communities.*

1 It is the intent of the Legislature that the pilot projects include
2 engagement of local communities and local park agencies in the
3 planning process ~~to ensure facilities, amenities, design, and~~
4 ~~programming align with local needs and include sustainable~~
5 ~~operating plans; and an assessment of park assets and park needs~~
6 ~~of residents living in the designated underserved region of each~~
7 ~~pilot project.~~

8 (b) Identification *and engagement* of strategic partners,
9 including, but not *necessarily* limited to, ~~local and regional local,~~
10 ~~regional, and national~~ park providers, local governments and
11 special districts, other state agencies that serve disadvantaged
12 communities, ~~local educational agencies, education and public~~
13 ~~health entities, and other community-based groups, to form an~~
14 ~~integrated network of organizations~~ *groups interested in* working
15 collaboratively to address the park and open-space needs of
16 ~~residents living in the designated underserved region of each pilot~~
17 ~~project. residents.~~

18 (e) ~~An assessment of park assets and park needs of residents~~
19 ~~living in the designated underserved region of each pilot project.~~

20 (d) ~~Drawing upon best management practices from park and~~
21 ~~recreation professional literature and related fields,~~

22 (c) *Identification of* strategies for developing and implementing
23 partnerships, projects, programs, and other initiatives ~~that will do~~
24 ~~to facilitate~~ all of the following:

25 (1) ~~Increase~~ *Increased* visitation to state parks, particularly
26 visitation by those in underserved communities in park poor areas.

27 (2) ~~Improve~~ *Improved* transportation options to existing state
28 parks.

29 (3) ~~Provide opportunities~~ *Opportunities* for active recreation,
30 multigenerational gatherings, and other culturally relevant
31 amenities.

32 (e) ~~Development of regional collaboratives led by the department~~
33 ~~to begin implementation of recommendations included in the~~
34 ~~strategic action plan.~~

35 (f) ~~Development~~

36 (d) *Identification of* partnerships, programs, and other initiatives
37 ~~in state parks, regional park systems, and local park systems that~~
38 ~~to address the park and recreational needs of underserved youth~~
39 ~~and young adults, and programs that to connect youth and young~~
40 ~~adults with nature and the outdoors, including, but not necessarily~~

1 limited to, programs such as youth internships that focus on
2 development of leadership skills and provide a pathway for young
3 adults to pursue park-related careers.

4 ~~(g)~~

5 (e) Identification of other barriers to state park access and
6 development of strategies and recommendations to remove those
7 barriers.

8 5882. Notwithstanding any other law, moneys allocated to the
9 department from the State Parks Protection Fund pursuant to
10 Section 18900.3 of the Revenue and Taxation Code, *and other*
11 *nongovernmental funds that may be made available for these*
12 *purposes*, may be used for purposes of implementing this chapter.